

Kathleen Sullivan (SBN 242261)
kathleensullivan@quinnemanuel.com
QUINN EMANUEL URQUHART &
SULLIVAN LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
Telephone: (212) 849-7000
Facsimile: (212) 849-7100

Sean S. Pak (SBN 219032)
seanpak@quinnemanuel.com
Amy H. Candido (SBN 237829)
amycandido@quinnemanuel.com
John M. Neukom (SBN 275887)
johnneukom@quinnemanuel.com.
QUINN EMANUEL URQUHART &
SULLIVAN LLP
50 California Street, 22nd Floor
San Francisco, CA 94111
Telephone: (415) 875-6600
Facsimile: (415) 875-6700

Mark Tung (SBN 245782)
marktung@quinnemanuel.com
QUINN EMANUEL URQUHART &
SULLIVAN LLP
555 Twin Dolphin Drive, 5th Floor
Redwood Shores, CA 94065
Telephone: (650) 801-5000
Facsimile: (650) 801-5100

Attorneys for Plaintiff Cisco Systems, Inc.

Steven Cherny (*admitted pro hac vice*)
steven.cherny@kirkland.com
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900

Adam R. Alper (SBN 196834)
adam.alper@kirkland.com
KIRKLAND & ELLIS LLP
555 California Street
San Francisco, California 94104
Telephone: (415) 439-1400
Facsimile: (415) 439-1500

Michael W. De Vries (SBN 211001)
michael.devries@kirkland.com
KIRKLAND & ELLIS LLP
333 South Hope Street
Los Angeles, California 90071
Telephone: (213) 680-8400
Facsimile: (213) 680-8500

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

CASE NO. 5:14-cv-5344-BLF

**ADMINISTRATIVE MOTION TO FILE
UNDER SEAL CONFIDENTIAL
INFORMATION IN CISCO'S REPLIES
IN SUPPORT OF ITS MOTIONS TO
EXCLUDE EXPERT OPINION
TESTIMONY FROM DEFENDANT
ARISTA NETWORKS, INC.'S EXPERTS**

Judge: Hon. Beth Labson Freeman

Pursuant to Civil Local Rules 7-11 and 79-5, Cisco Systems, Inc. (“Cisco”) hereby brings this administrative motion for an order to seal certain information filed in connection with Cisco’s Replies in Support of its Motions to Exclude Expert Opinion Testimony from Arista Network, Inc.’s (“Arista”) Experts.

I. LEGAL STANDARD

In the context of non-dispositive motions, materials may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Kamkana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir. 2003)). In addition, Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, that the document is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

II. GOOD CAUSE EXISTS TO PERMIT FILING UNDER SEAL

Cisco makes this request to seal the documents identified herein for the reasons explained in detail in the Declaration of Sara E. Jenkins in support of this Administrative Motion to File Under Seal (“Jenkins Declaration”). Cisco has narrowly tailored its request to seal only information that has been designated as confidential by Arista. Cisco files this motion to seal to provide Arista Networks, Inc. the opportunity to file a declaration pursuant to Civil Local Rule 79-5(e) regarding the confidentiality of the documents specified below.

II. DOCUMENTS SOUGHT TO BE SEALED

The portions of documents that Cisco seeks to seal through this motion are included in the chart below:

Document	Portions to Be Filed Under Seal	Party With Claim of Confidentiality
Cisco's Reply in Support of Its Motion to Exclude Expert Opinion Testimony From Arista's Expert Dr. John Black	Highlighted Portions	Arista
Cisco's Reply in Support of Its Motion to Exclude Expert Opinion Testimony From Arista's Expert William M. Seifert	Highlighted Portions	Arista
Cisco's Reply in Support of Its Motion to Exclude Expert Opinion Testimony From Arista's Expert Cate M. Elsten	Highlighted Portions	Arista

August 26, 2016

Respectfully submitted,

/s/ John M. Neukom
John M. Neukom

Kathleen Sullivan (SBN 242261)
kathleensullivan@quinnemanuel.com
QUINN EMANUEL URQUHART &
SULLIVAN LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
Telephone: (212) 849-7000
Facsimile: (212) 849-7100

Sean S. Pak (SBN 219032)
seanpak@quinnemanuel.com
Amy H. Candido (SBN 237829)
amycandido@quinnemanuel.com
John M. Neukom (SBN 275887)
johnneukom@quinnemanuel.com
QUINN EMANUEL URQUHART &
SULLIVAN LLP
50 California Street, 22nd Floor
San Francisco, CA 94111

02099-00004/8294750.1

2

1 Telephone: (415) 875-6600
2 Facsimile: (415) 875-6700

3 Mark Tung (SBN 245782)
4 marktung@quinnemanuel.com
5 QUINN EMANUEL URQUHART &
6 SULLIVAN LLP
7 555 Twin Dolphin Drive, 5th Floor
8 Redwood Shores, CA 94065
9 Telephone: (650) 801-5000
10 Facsimile: (650) 801-5100

11 Steven Cherny (*admitted pro hac vice*)
12 steven.cherny@kirkland.com
13 KIRKLAND & ELLIS LLP
14 601 Lexington Avenue
15 New York, New York 10022
16 Telephone: (212) 446-4800
17 Facsimile: (212) 446-4900

18 Adam R. Alper (SBN 196834)
19 adam.alper@kirkland.com
20 KIRKLAND & ELLIS LLP
21 555 California Street
22 San Francisco, California 94104
23 Telephone: (415) 439-1400
24 Facsimile: (415) 439-1500

25 Michael W. De Vries (SBN 211001)
26 michael.devries@kirkland.com
27 KIRKLAND & ELLIS LLP
28 333 South Hope Street
Los Angeles, California 90071
Telephone: (213) 680-8400
Facsimile: (213) 680-8500

Attorneys for Plaintiff Cisco Systems, Inc.